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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780.050	02/17/2004	Gregory L. Horne	1707JB.036732	9683

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EXAMINER	
TRAN, QUOC DUC	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/780,050	HORNE, GREGORY L.	
	Examiner	Art Unit	
	Quoc D. Tran	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 20-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,20-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-5 and 20-30 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,700,957. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-5 and 20-30 of the present invention are similar in scope to claims 1-15 of U.S. Patent No. 6,700,957 with obvious wording variations and that the limitations of claims 1-15 of U.S. Patent No. 6,700,957 clearly cover the limitations of the present claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 20 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Bleile (6,044,148).

Consider claim 20, Bleile teaches a method of identifying incoming calls (see abstract), comprising responsive to detecting an incoming call received from a telecommunication service provider network (i.e., central office) (see col. 2 lines 40-67), determining caller ID information associated with the incoming call without allowing an audible indicator of the incoming call to sound (see col. 4 lines 59-62); selecting a default mode when there is not any caller identification information associated with the incoming call (col. 4 lines 16-21), the default mode selectively control by a user (col. 5 lines 29-30); handling the call in accordance with the selected default mode (col. 4 lines 16-21).

Consider claim 23, col. 5 lines 6-16 of Bleile teaches the claimed limitation.

Consider claim 24, col. 1 lines 31-33 of Bleile teaches the claimed limitation.

Consider claim 25, col. 4 lines 53-58 of Bleile read on the claimed limitation.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 21, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bleile (6,044,148) in view of Anderson (5,995,603).

Consider claim 21, Bleile did not suggest transmitting the call to one of a plurality of live ports. However, Anderson suggested such (col. 2 lines 19-23). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Anderson into view of Bleile in order for enabling the user with more options in handling calls.

Consider claims 27 and 30, Bleile teaches all the claimed limitations (see rejection in claim 20). Bleile did not suggest of passing the incoming call to an answer machine at the CPE location through a selected one of a plurality of answering system device ports without allowing the audible indicator to sound responsive to the caller identification not being associated with a preselected calling party. However, Anderson suggested such (col. 2 lines 19-23). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Anderson into view of Bleile in order for enabling the user with more options in handling calls.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bleile (6,044,148) in view of Couse (6,006,088).

Consider claim 22, Bleile did not suggest of transmitting the call to a radiofrequency handset also at the customer premises location when there is caller identification associated with the incoming call matching caller identification information for an allowable calling party. However, Couse suggested such (col. 2 lines 41-50). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching

of Couse into view of Bleile in order to provide user with mobility within the customer premises location.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 20-21, 24-25, 27 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (5,995,603).

Consider claims 20, 27 and 30, Anderson teaches a method of identifying incoming calls (see abstract), comprising responsive to detecting an incoming call received from a telecommunication service provider network (see col. 1 lines 66-67), determining caller ID information associated with the incoming call without allowing an audible indicator of the incoming call to sound (see col. 1 line 67 – col. 2 line 8); selecting a default mode when there is not any caller identification information associated with the incoming call, the default mode selectively control by a user; and handling the call in accordance with the selected default mode (col. 2 lines 15-23). It should be noted that when there is no caller identification, the call screening device will treated it as no match or treated the call as not from an authorized caller.

Consider claim 21, col. 2 lines 19-23 of Anderson teaches the claimed limitations.

Consider claim 24, col. 1 lines 9-11 of Anderson teaches the claimed limitation.

Consider claim 25, col. 2 lines 15-19 of Anderson read on the claimed limitation.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5,995,603) in view of Couse (6,006,088).

Consider claim 22, Anderson did not suggest of transmitting the call to a radiofrequency handset also at the customer premises location when there is caller identification associated with the incoming call matching caller identification information for an allowable calling party. However, Couse suggested such (col. 2 lines 41-50). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Couse into view of Anderson in order to provide user with mobility within the customer premises location.

12. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5,995,603) in view of Bleile (6,044,148).

Consider claim 23, Anderson did not suggest providing visual indication of the incoming call at the customer premises location without providing audio indication of the incoming call and transmitting the call to an answer machine device after providing visual indication. However, Bleile suggested such (col. 5 lines 6-16). Therefore it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Bleile into view of Anderson in order to assist the called party in identifying the caller.

Response to Arguments

13. Applicant's arguments with respect to claims 1-5 and 20-30 have been considered but are moot in view of the new ground(s) of rejection.

Important Notice

14. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to ***Group Art Unit 2614***.

15. Any response to this action should be mailed to:

Mail Stop ____(explanation, e.g., Amendment or After-final, etc.)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:
(571) 273-8300

Hand-delivered responses should be brought to:
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QUOC TRAN
PRIMARY EXAMINER

AU 2614
July 18, 2006